APPENDIX "A"

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF KENTUCKY
AT LEXINGTON

Civil Action No. 1445.

William J. Powers, Jr., Plaintiff,

v.

Paul Slaton, Defendant.

NOTICE, AFFIDAVITS & MOTIONS:

(1) To dismiss for lack of jurisdiction;

(2) To dismiss for failure to state a claim;

(3) To dismiss for failure of plaintiff to join indispensable parties, or, in the alternative for an order requiring certain parties to be brought in as indispensable parties.

Filed August 7, 1961.

I. Defendant, Paul Slaton, moves the Court to dismiss the complaint herein against him because this Court lacks jurisdiction over the subject matter thereof in that the Fayette County Court at Lexington, Kentucky, has assumed and is exercising jurisdiction over the administration of the estate of plaintiff, William J. Powers, Jr., in the hands of the Committee for said plaintiff appointed and qualified in said Court, and has, and is exercising jurisdiction and control over said Committee, as more fully appears in the affidavit of this defendant and exhibits annexed thereto, which are filed herewith and made a part hereof.

II. Defendant moves the Court to dismiss this action against him because the complaint fails to state a claim against this defendant upon which relief can be granted in that: (1) It appears on the face of the complaint that the claim of plaintiff, if any, is against Citizens Union National Bank & Trust Company of Lexington, Kentucky, as Committee for the plaintiff, and not against this defendant, individually, and (2) in that the complaint does not state an actual justiciable controversy between plaintiff and this defendant, as more fully appears from the affidavit of defendant and exhibits annexed thereto, which are attached to this motion and are made a part hereof.

III. Defendant moves the Court to dismiss this action because of the failure of plaintiff to make parties to this action the following, who are each indispensable parties, as more fully appears in the affidavit of this defendant hereto attached and made a part hereof, to-wit:

(a) Citizens Union National Bank & Trust Company of Lexington, Kentucky, an association organized under the National Banking laws of the United States of America (formerly Citizens Union Bank & Trust Company of Lexington, Kentucky), Committee for plaintiff, William J. Powers, Jr.

(b) The United States Veterans Bureau.

(c) The United States Department of the Army,

or, in the alternative, for an order making said Citizens Union National Bank & Trust Company of Lexington, Kentucky, Committee for William J. Powers, Jr., and the United States Veterans Bureau, and the United States Department of the Army, and each of them, parties to this action; directing that process be issued and served upon them and each of them, as provided by law, and requiring plaintiff to serve and file an amended complaint against said added defendants.

IV. The defendant moves the Court to extend the time within which he may answer, or otherwise move with respect to the complaint herein, for a reasonable time to be fixed by the Court after the foregoing motions have been ruled upon.

Defendant files herewith his affidavit and exhibits A, B and C attached thereto, and makes the same a part hereof in support of the foregoing motions.

(s) Frank S. Ginocchio,
701 Bank of Commerce Bldg.,
Lexington, Ky., Phone 2-7424.

(s). Sam P. Strother,
Citizens Union National Bank
& Trust Co. Bldg.,
Lexington, Ky., Phone 5-4887.

AFFIDAVIT OF DEFENDANT IN SUPPORT OF MOTIONS.

The affiant, Paul Slaton, defendant, in the above styled action, being first duly sworn, states as follows:

(1) The affiant is named in the caption, and was summoned in the above styled action No. 1445, in his individual capacity.

(2) Affiant, individually, is not, and never was, and never claimed to be the Committee for the plaintiff, William J. Powers, Jr.

(3) Affiant does not have in his hands, and never did have, or receive any funds, or property from any source, in his individual capacity, for the use or benefit of, or belonging to the plaintiff, William J. Powers, Jr.

(4) On the 9th day of August, 1947, the Fayette Circuit Court at Lexington, Kentucky, upon inquest by a jury, duly entered a judgment, which has never been set aside, adjudging the plaintiff, William J. Powers, Jr., to be a resident of Lexington, Kentucky, and to be a person of unsound mind, and committing him to the United States

Veterans Administration Hospital, and a certified copy of said judgment is filed herewith as part hereof marked Exhibit A.

(5) On the 26th day of July, 1947, the Fayette County Court at Lexington, Kentucky, duly entered an order upon said judgment of inquest, appointing and qualifying Marian R. Powers, wife of Plaintiff, to be the Committee for said plaintiff, and qualified her as such, and a certified copy of said order is filed herewith as part hereof marked Exhibit B.

(6) On the 24th day of August, 1949, said Fayette County Court duly entered an order appointing and qualifying Citizens Bank & Trust Company of Lexington, Kentucky (now one and the same as Citizens Union National Bank & Trust Company of Lexington, Kentucky), as successor Committee for Plaintiff, William J. Powers, Jr., in the place and stead of said Marian R. Powers, who had resigned as Committee, and a certified copy of said order, which has not been revoked, and is still in force and effect, is filed herewith as part hereof marked Exhibit C.

(7) On October 14, 1950, said Fayette County Court duly entered an order in its Order Book 70, page 133, as appears of record therein, increasing the bond of said Citizens Bank & Trust Company as the aforesaid Committee, from $3,000.00 to $15,000.00, and said increased bond was executed by said bank and trust company accordingly.

(8) Citizens Union National Bank & Trust Company of Lexington, Kentucky, at all times since August 24, 1949, and now, is the duly appointed, qualified and acting Committee for the plaintiff, William J. Powers, Jr.

(9) Affiant is Trust Officer for said Citizens Union National Bank & Trust Company, Committee for plaintiff, but is not conducting and never has conducted the business of said bank and trust company as such Committee in his individual capacity.

(10) Citizens Union National Bank & Trust Company as Committee for plaintiff has in its hands certain investments ($13,500.00 carrying value), and a small amount of uninvested cash ($186.15), all of which were acquired from the proceeds of payments made by the United States Veterans Bureau, and the United States Department of the Army, through the Treasurer of the United States of America, in reliance and based upon the aforesaid judgment of the Fayette Circuit Court adjudging plaintiff to be a person of unsound mind, and the aforesaid orders of the Fayette County Court appointing plaintiff's wife, Marian R. Powers, as plaintiff's Committee, and said Citizens National Band & Trust Company as Successor Committee for plaintiff, being valid and legal and as a condition for making such payments.

(11) Said Citizens Union National Bank & Trust Company as Committee for plaintiff has made, and filed in the Fayette County Court periodical statements and settlements of its accounts, as required by law, from time to time since the date of its appointment and qualification as successor committee, which were submitted and subjected to the inspection and approval of the United States Veterans Bureau, and were approved and confirmed by said Court, and the Fayette County Court has exercised, and is now continuing to exercise jurisdiction and control over the investments and funds in the hands of said Citizens Union National Bank & Trust Company, Committee for said plaintiff, and over the acts and conduct of said bank as such Committee in the administration thereof.

(s) Paul Slaton.

Subscribed and sworn to before me by the defendant, Paul Slaton, this 7th day of August, 1961.

My commission expires: Oct. 24, 1961.

(s) Mamie Sanders,
Notary Public, Fayette County, Ky.

United States of America)
Eastern District of Kentucky) ss:

I, Davis T. McGarvey, Clerk of the United States District Court for the Eastern District of Kentucky, do hereby certify that the annexed and foregoing is a true and full copy of the original Notice, Affidavit & Motions, filed August 7, 1961 in the case of William J. Powers, Jr., Plaintiff, vs. Paul Slaton, No. 1445 on the Lexington Docket now remaining among the records of the said Court in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Lexington, Ky., this 29th day of September, A. D. 1963.

Davis T. McGarvey, Clerk,
By (s) Wavelyne H. Smith,
Deputy Clerk.

(Seal)

UNITED STATES CIRCUIT COURT OF APPEALS
For the Sixth Circuit

I, Carl W. Reuss, Clerk of the United States Circuit Court of Appeals for the Sixth Circuit, do hereby certify that the foregoing is a true and correct copy of Notice, Affidavit and Motions, filed August 7, 1961, which were included in the record on appeal, filed May 7, 1962 in the case of William J. Powers, Jr. vs. Paul Slaton, No. 14,972, as the same remains upon the files and records of said United States Circuit Court of Appeals for the Sixth Circuit, and of the whole thereof.

In Testimony Whereof, I have hereunto subscribed my name, and affixed the seal of said Court, at the City of Cincinnati, Ohio, this 25th day of September, A. D. 1963.

(s) Carl W. Reuss,
Clerk of the United States Circuit
Court of Appeals for the Sixth
Circuit.

(Seal)

APPENDIX "B"

IN THE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF KENTUCKY
LEXINGTON

Civil No. 1479

William J. Powers, Jr., Plaintiff,

v.

Citizens Union National Bank and Trust Company, individually and as committee de son tort, and

J. H. King; A. G. Mainous; J. W. Bratcher; D. J. Burke; S. H. Roberts; O. A. Bakhaus; Zellner Peal; S. P. Strother; J. A. Fraser; E. S. Clarke; S. D. Coke; W. M. Dunn; F. L. McCarthy; C. C. Patrick, Jr.; Harold Redd; H. C. Robinson; C. L. Thompson, Jr.; W. L. Wallace; Leslie Combs, II; each individually and each as a director of the Citizens Union National Bank and Trust Company, and

Paul Slaton, a trust officer of the Citizens Union National Bank and Trust Company, Defendants.

COMPLAINT—Filed June 7, 1962.

JURISDICTIONAL ALLEGATIONS.

1. Jurisdiction of this Court is invoked under 28 U.S.C. 1332 because diversity of citizenship exists between the plaintiff, who is now and was at all times during the times and actions complained of hereinafter, a citi-

zen of Illinois; and the defendants who were and are citizens of the Commonwealth of Kentucky.

2. Authority for a declaratory judgment is provided by 28 U.S.C. 2201, 2202.

3. The amount in controversy exceeds Ten Thousand Dollars ($10,000) exclusive of interests and costs.

4. Jurisdiction of this Court is invoked under 28 U.S.C. 1331 because the plaintiff hereinafter alleges that the defendants have trespassed on his right to receive retired pay from the Department of the Army under the provisions of the Act of April 3, 1939; 53 Stat. 557; 10 U.S.C. 456.

5. Jurisdiction of this Court is invoked under 28 U.S.C. 1331 because the plaintiff hereinafter alleges that the defendant directors of the bank have violated the provisions of Regulation "F", 12 C.F.R. 206, of the Federal Reserve Board.

6. Jurisdiction of this Court is invoked under the Fourteenth Amendment of the Constitution of the United States of America because the plaintiff hereinafter alleges that he has been unlawfully deprived of his personal property without due process of law contrary to this Amendment.

COMPLAINT, COUNT 1.

1. The plaintiff alleges that he is now and has been a citizen of Illinois, continuously and exclusively, since in or about the year of 1928.

2. The plaintiff alleges that he has had his domicile and legal residence, continuously and exclusively, within the County of Cook, in the State of Illinois, since in or about the year of 1928.

3. The plaintiff alleges that he has had his actual abode, as distinguished from domicile and legal residence, within the County of Cook, in the State of Illinois, continuously and exclusively, since in or about the

year of 1932 with the exception of temporary absences while in the military service of the Army of the United States of America from January of 1942 until January of 1949.

4. The plaintiff alleges that he was not only legally resident but actually present as an inhabitant within the County of Cook in the State of Illinois from January of 1939 until and including the present day.

5. The plaintiff alleges that he has never been a citizen of the Commonwealth of Kentucky.

6. The plaintiff alleges that he has never maintained a residence nor an abode within the geographical limits of Fayette County, Kentucky.

7. The plaintiff alleges that the Citizens Union National Bank and Trust Company is a national banking association, incorporated on September 1, 1958 under the National Bank Act of the United States, as amended, 12 U.S.C. 21, 22, 23, et seq., as the successor to the Citizens Union Bank and Trust Company which was formed on December 31, 1954 by a merger of the Citizens Bank and Trust Company (incorporated July 2, 1931 as a successor in reorganization to the Guaranty Bank and Trust Company) with the Union Bank and Trust Company.

8. The plaintiff hereby alleges that he is reliably informed that on or about August 24, 1949 the directors of the Citizens Bank and Trust Company (now the Citizens Union National Bank and Trust Company) authorized their agent, Paul Slaton, a trust officer of the bank, to appear in the County Court of Fayette County, Kentucky and take the oath of office as committee for the plaintiff and to pledge capital stock of the bank as security for his performance of the office of committee as the agent of the bank.

9. The plaintiff alleges that the agent of the bank, Paul Slaton, a trust officer of the bank, has represented to the Army Finance Department that he is authorized by law to act as a personal representative of the plaintiff and as a consequence thereof has received a sum of money in excess of twenty-five thousand dollars ($25,000) and currently has on deposit in the trust department of the bank a sum in excess of thirteen thousand, seven hundred dollars ($13,700) which belongs by law to the plaintiff.

10. The plaintiff alleges that from August 24, 1949 until November of 1960, the directors of the bank, by and through their agent, Paul Slaton, a trust officer of the bank, have trespassed on his right to receive retired pay from the Department of the Army as aforesaid and have diverted his retired pay from his own use and dominion over it to their own financial gain and profit and to his own detriment and financial harm and that the defendants wrongfully persist until the present day in withholding from him the money they have received in his name.

11. The plaintiff alleges that each of the natural persons who are named on the caption of the complaint as directors of the bank have taken an oath of office as a director of the Citizens Union National Bank and Trust Company to diligently and faithfully administer the business affairs of the bank.

12. The plaintiff alleges that the directors of the defendant bank have a common-law duty to exercise the reasonable care and diligence which may be expected of their position in supervising the activities of their agent, Paul Slaton, a trust officer of the bank.

13. The plaintiff alleges that if the directors of the bank had exercised the care and diligence which may reasonably be expected of a director of a bank they would

have discovered that the plaintiff is not and never has been a citizen of Kentucky.

14. The plaintiff alleges that if the directors of the bank had exercised the care and diligence which may be reasonably be expected of a director of a bank in supervising the matters handled by their agent, Paul Slaton, a trust officer of the bank, they would have discovered that said Paul Slaton had never known nor seen the plaintiff.

15. The plaintiff alleges that if the directors of the bank had exercised the care and diligence which may reasonably be expected of a director of a bank they would have discovered that the plaintiff not only did not have a residence in Fayette County but was not physicially present in Fayette County, Kentucky during August of 1949.

16. The plaintiff alleges that if the directors of the bank had exercised the care and diligence which may reasonably be expected of a director of a bank they would have discovered that the petition filed in the County Court of Fayette County, Kentucky on August 24, 1949 for a committee for the plaintiff explicitly stated in the second paragraph of the petition that "William J. Powers, Jr. is a resident of Cook County, Chicago, Illinois"; thereby putting the defendants on notice of that fact.

17. The plaintiff alleges that if the directors of the bank had exercised the care and diligence which may reasonably be expected of a director of a bank they would have discovered that when the County Court of Fayette County, Kentucky issued an order appointing the aforesaid trust officer, Paul Slaton, to act as committee for the plaintiff that such order was and is void because of lack of due process of law contrary to the Fourteenth Amendment of the Constitution of the

United States of America in that the plaintiff has never appeared in that court nor consented to any exercise of jurisdiction over his person or property by that court.

18. The plaintiff alleges that if the directors of the bank had exercised the care and diligence which may reasonably be expected of a director of a bank they would have discovered that the situs of the personal property of the plaintiff in August of 1949 and since then until and including the present day was and is in the county of his legal residence which was then and is now the County of Cook in the State of Illinois; and for that reason the County Court of Fayette County, Kentucky had no jurisdiction over his personal property to enter an order concerning it.

19. The plaintiff alleges that he has been greatly harmed by the gross negligence of the directors of the bank in failing to properly supervise their agent, Paul Slaton, in his conduct as committee for the plaintiff.

20. The plaintiff alleges that he has been denied his retirement rights by the Department of the Army as a direct consequence of the tortious acts of the defendants.

21. The plaintiff alleges that he has been greatly handicapped by the representations of the defendants to the Department of the Army in the plaintiff's efforts to clarify his relations with the Department of the Army.

22. The plaintiff alleges that the defendants have caused him great mental anguish by their obstinate refusal to recognize the wrongfulness of their actions in interfering with the plaintiff's personal property.

23. The plaintiff alleges that the defendants have caused him to spend a great amount of time and effort as well as money to protect himself from the trespasses of the defendants.

24. The plaintiff alleges that the defendants have put him to a great inconvenience and aggravation by causing him to come to a strange city and to take legal action in order to protect himself from the unlawful actions of the defendants.

COMPLAINT, COUNT 2.

1. The plaintiff hereby incorporates and re-alleges each paragraph of paragraphs 1 through and including paragraph 11 of Count 1.

12. The plaintiff alleges that his right to receive retired pay from the Department of the Army under the authority of the Act of April 3, 1939; 53 Stat. 557; 10 U.S.C. 456, is a personal property right vested exclusively in him by an act of Congress.

13. The plaintiff alleges that he has never authorized any of the defendants to act as his agent.

14. The plaintiff alleges that he has never appeared in the County Court of Fayette, Kentucky nor ever consented to any exercise of jurisdiction by that court over him or his personal property and that the aforesaid judgment and orders of that court concerning him and or his personal property were and are void for lack of due process of law contrary to the Fourteenth Amendment of the Constitution of the United States of America.

15. The plaintiff alleges that when the directors of the defendant bank authorized their agent, Paul Slaton, a trust officer of the bank, to appear in the County Court of Fayette County, Kentucky on August 24, 1949 and take the oath of office as committee for the plaintiff that neither the bank, nor any of the directors, nor said trust officer, Paul Slaton, had any title to the retired pay which formed the corpus of the trust with which they are charged for the benefit of the plaintiff.

16. The plaintiff alleges that the directors of the bank had and have a duty to know that Kentucky Revised Statute 287.210 entitled "Powers of Trust Companies" does not allow a corporation to engage in the practice of law.

17. The plaintiff alleges that the directors of the defendant bank had a duty on August 24, 1949 to know that Kentucky Revised Statute 30.170 and Rules of the Court of Appeals 3.020 explicitly restricted the practice of law to natural persons only.

18. The plaintiff alleges that the defendants had and have a duty to know that a corporation may not appear in court in a representative capacity for a third person except by attorney.

19. The plaintiff alleges that when the directors of the bank directed Paul Slaton, a trust officer of the bank, to appear for the Citizens Bank and Trust Company (now the Citizens Union National Bank and Trust Company) on August 24, 1949 and other occasions since that day in the County Court of Fayette County, Kentucky in a representative capacity for the benefit of a third person, namely the plaintiff, the corporate defendant was engaged in the illegal practice of law by appearing in court by its salaried attorney-trust officer.

20. The plaintiff alleges that when the directors of the bank retained Paul Slaton as a trust officer of the bank they imposed on him a duty of fidelity and the highest loyalty from him to the bank and themselves; and when the defendant directors authorized the defendant, Paul Slaton, a trust officer of the bank, to appear in the County Court of Fayette County, Kentucky as their agent they imposed on him an additional duty of the highest fidelity and loyalty to the beneficiary of the trust which he assumed; and as a consequence therefore the defendant trust officer, Paul Slaton, now has a conflict of interest wherein Paul Slaton has a

duty of the highest fidelity and loyalty to the bank and its directors and also a conflicting duty of the highest fidelity and loyalty to the beneficiary of that trust, namely the plaintiff, where a genuine controversy exists between the bank and its directors on the one side and the beneficiary of that trust, the plaintiff, on the other side.

21. The plaintiff alleges that on March 3, 1961 and on March 14, 1961 he wrote to the clerk of the County Court of Fayette County asking for information from the Clerk and instead of a reply from the Clerk he received an answer from the defendant trust officer, Paul Slaton, dated March 20, 1961 stating that he and the defendant bank would be glad to help the plaintiff but since it appeared to him that the plaintiff had a legal problem the plaintiff should consult a lawyer and by that answer the defendant, Paul Slaton, resolved his conflict of interest in favor of the bank and against the plaintiff.

COMPLAINT, COUNT 3.

1. The plaintiff hereby incorporates and re-alleges each paragraph of paragraphs 1 through and including paragraph 11 of Count 1.

12. The plaintiff alleges that each of the natural persons, who are named as defendants herein on the caption of the complaint has taken an oath of office not to knowingly violate or willingly permit to be violated any provisions of the National Bank Act, as amended.

13. The plaintiff alleges that Regulation "F" of the Federal Reserve Banking System, 12 C.F.R. 206, entitled "NATIONAL BANK TRUST POWERS" has a section fofond in 12 C.F.R. 206.6 entitled "Trust Department Management" wherein in subsections (a), (b), (c), and

(d) are outlined the duties and responsibilities of the directors of a national bank and trust company to supervise the trust departments of such banks.

14. The plaintiff alleges that if the directors of the defendant bank had properly followed the provisions of Regulation "F" in supervising the matters handled by their agent, Paul Slaton, a trust officer of the bank, they would have discovered that the plaintiff is not and never has been a citizen of the Commonwealth of Kentucky.

15. The plaintiff alleges that if the directors of the bank had actively supervised the matters handled by their agent, Paul Slaton, a trust officer of the bank, as required by Regulation "F" they would have discovered that the aforesaid Paul Slaton had never known or seen the plaintiff.

16. The plaintiff alleges that if the directors of the bank had supervised the matters handled by their agent, Paul Slaton, a trust officer of the bank, in the manner required by Regulation "F", they would have discovered that the plaintiff not only did not have a residence in Fayette County but was not physically present in Fayette County, Kentucky during August of 1949.

17. The plaintiff alleges that the directors of the bank have a care and duty under Regulation "F" to know that when the County Court of Fayette County, Kentucky issued an order appointing Paul Slaton as committee for the plaintiff that such an order was void because of the lack of the due process of law contrary to the Fourteenth Amendment of the Constitution of the United States of America in that the plaintiff has never appeared in that court nor consented to any exercise of jurisdiction over his person or his property by that court.

18. The plaintiff alleges that the directors of the bank have a care and duty under Regulation "F" to know that the situs of his personal property in August 1949 and since then until and including the present day was in the county of his legal residence which was then and is now the County of Cook in the State of Illinois; and for that reason the County Court of Fayette County, Kentucky had no jurisdiction to enter an order concerning his personal property.

19. The plaintiff alleges that he has been greatly harmed by the gross negligence of the directors of the bank in failing to properly supervise their agent, Paul Slaton, in his conduct as committee for the plaintiff.

20. The plaintiff alleges that he has been denied his retirement rights by the Department of the Army as a direct consequence of the tortious acts of the defendants.

21. The plaintiff alleges that has has been greatly handicapped by the representations of the defendants to the Department of the Army in the plaintiff's efforts to clarify his relations with the Department of the Army.

22. The plaintiff alleges that the defendants have caused him great mental anguish by their obstinate refusal to recognize the wrongfulness of their actions in interfering with the plaintiff's personal property.

23. The plaintiff alleges that the defendants have caused him to spend a great amount of time and effort as well as money to protect himself from the trespass of the defendants.

24. The plaintiff alleges that the defendants have put him to a great inconvenience and aggravation by causing him to come to a strange city to take legal action in order to protect himself from the unlawful actions of the defendants.

PRAYER FOR RELIEF.

1. Wherefore the plaintiff asks that he be granted the right of trial by jury as provided by the Seventh Amendment of The Constitution of the United States of America.
2. The plaintiff asks that the defendants be required to surrender to him the monies they received in his name plus six per cent (6%) interest for the length of time they have kept such monies in their possession.
3. The plaintiff asks that the defendants be forever enjoined from representing to any person that they have ever performed any service of value to the plaintiff, or acted as his agent.
4. The plaintiff asks damages in the amount of Two Hundred Fifty Thousand Dollars ($250,000) for the damage and harm caused to him by the defendants generally and the gross negligence of the directors of the bank in particular.
5. The plaintiff asks such other and further relief as may be proper according to the customs and usages of law.

(s) William J. Powers, Jr.
Plaintiff Pro Se,
664 Oakton Street,
Des Plaines, Illinois.

United States of America)
Eastern District of Kentucky) ss:

I, Davis T. McGarvey, Clerk of the United States District Court for the Eastern District of Kentucky, do hereby certify that the annexed and foregoing is a true and full copy of the original Complaint filed June 7, 1962 in the case of William J. Powers, Jr., Plaintiff, vs. Citizens Union National Bank & Trust Company, individually and as com-

mittee de son tort, et al, Defendants, No. 1479 on the Lexington Docket now remaining among the records of the said Court in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Lexington, Ky., this 24 day of September, A. D. 1963.

Davis T. McGarvey, Clerk,
By (s) Wavelyne H. Smith,
Deputy Clerk.

(Seal)

APPENDIX "C"

COMMONWEALTH OF KENTUCKY

vs:—**SUMMONS**

WILLIAM J. POWERS
Veterans Administration Hospital

Executed June 6, 1947, the within summons on William J. Powers confined in the U. S. Veterans Hospital, by delivering a true copy thereof to the said William J. Powers and also on June 6, 1947 by delivering to Dr. F. M. Cook, manager of the U. S. Veterans Hospital, and the person having charge of the said William J. Powers, a true copy of the within summons.

Ernest Thompson, S. F. C.
O. H. Mauser, D. S.

THE COMMONWEALTH OF KENTUCKY

To the Sheriff of Fayette County, Greetings:

You are hereby commanded to summon William J. Powers to answer a petition filed against him in the Fayette Circiut Court by the Commonwealth of Kentucky on information against him for the purpose of inquiring into the question of whether he is a person of sound or unsound mind; and notify him that the said hearing is set for 10:00 o'clock A. M. on the 9th day of June, 1947.

You are also commanded to summon the following persons to be present at said hearing, and notify them of the time and place and purpose thereof:

_____Father
_____Mother
_____Husband
_____Wife
_____Near Relative

and Manager, F. M. Cook, M. D., U. S. Veterans Administration Hospital, the person having custody of said defendant or residing with said defendant, is hereby notified and summoned to appear with the defendant at the time and place stated in this summons.

If any of the aforesaid persons, after being summoned, fail to appear, they will be proceeded against for contempt.

You will make due return on this summons as provided by law.

Witness, Geo. E. DeLong, Clerk of said Court, this 5th day of June, 1947.

(s) Geo. E. DeLong, C. F. C. C.

James Park, P. W.

State of Kentucky }
County of Fayette } Set.

I, Katherine M. Laden, Clerk of the Fayette Circuit Court, within and for the County and State aforesaid, do hereby certify that the foregoing attached Two (2) pages contain a true and correct copy of the Summons issued on the 5th day of June, 1947, and the endorsements thereon, by the Fayette Circiut Court in the action between Commonwealth of Kentucky vs. William J. Powers, Jr. in Inquest Book 14, Page 65, as fully as the same remains of record in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of said Court at my office in Lexington, Kentucky, this 19th day of September, 1963.

(s) Katherine M. Laden,
Clerk of Fayette Circuit Court
of Kentucky.

(Seal).

State of Kentucky)
County of Fayette) Set.

I, Joseph J. Bradley, Judge of the Twenty-Second Judicial District of Kentucky, and ex-officio Judge of the Fayette Circuit Court, Criminal, Common Law and Equity Division, do hereby certify that Katherine M. Laden, who signed the foregoing certificate, is now, and was at the time of signing the same, Clerk of said Court, duly elected, qualified and sworn; that her said signature in her own genuine and proper handwriting, and that said certificate and authentication are in due form of law.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of said Court to be hereunto affixed at Lexington, Kentucky, this 19th day of September, 1963.

(s) Joseph J. Bradley,
Judge of Twenty-Second Judicial District of Kentucky, Criminal, Common Law and Equity Division.

(Seal)

State of Kentucky)
County of Fayette) Set.

I, Katherine M. Laden, Clerk of the Fayette Circuit Court within and for the County and State aforesaid, do hereby certify that Hon. Joseph J. Bradley, Judge of the Criminal, Common Law and Equity Division, who signed the foregoing certificate, is now and was at the time of signing the same Judge of said Court, duly elected, commissioned and sworn, and that this said signature is in his own handwriting.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of said Court at my office in Lexington, Kentucky this 19th day of September, 1963.

(s) Katherine M. Laden,
Clerk of Fayette Circuit Court of Kentucky.

(Seal)

United States of America
Eastern District of Kentucky } ss:

I, Davis T. McGarvey, Clerk of the United States District Court for the Eastern District of Kentucky, do hereby certify that the annexed and foregoing is a true and full copy of the original Summons of Fayette Circuit Court, with Sheriff's return thereon, filed as an exhibit #3 attached to the Motions filed by the Defendants on June 27, 1962, and is also filed and marked as Laden Exhibit #3 with the deposition of Katherine M. Laden, filed in the case of William J. Powers, Jr., Plaintiff vs. Citizens Union National Bank and Trust Co., individually and as committee de so tort, et al., Defendants, No. 1479 on the Lexington Docket now remaining among the records of the said Court in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Lexington, Ky., this 20 day of September, A. D. 1963.

Davis T. McGarvey, Clerk.
By (s) Wavelyne H. Smith,
(Seal) Deputy Clerk